

ARTICLE VII. STORMWATER MANAGEMENT*

***Cross references:** Stormwater management and sedimentation control, Ch. 21

Sec. 23-200. Findings of fact.

The city council of Columbia, South Carolina makes the following findings of fact:

- (1) The professional engineering and financial analyses conducted on behalf of and submitted to the city properly assess and define the stormwater management problems, needs, goals, program priorities and funding opportunities of the city.
- (2) Given the problems, needs, goals, program priorities, and funding opportunities identified in the professional engineering and financial analyses submitted to the city, it is appropriate to authorize the establishment of a separate enterprise accounting unit which shall be dedicated specifically to the management, maintenance, protection, control, regulation, use, and enhancement of stormwater systems in the City of Columbia in concert with other water resource management programs.
- (3) Stormwater management is needed throughout the City of Columbia. Intense urban development in most portions of the city has radically altered the natural hydrology of the area and the hydraulics of stormwater systems, with many natural elements having been replaced or augmented by man-made facilities. A stormwater utility service area subject to stormwater service charges should encompass the entirety of the City of Columbia, and the service charge rate structure should reflect the amount of impervious surfaces that exists on individual properties.
- (4) The stormwater needs in the City of Columbia include but are not limited to protecting the public health, safety, and welfare. Provision of stormwater management programs, systems, and facilities therefore render and/or result in both service and benefit to individual properties, property owners, citizens, and residents of the city and to properties, property owners, citizens, and residents of the unincorporated city concurrently in a variety of ways as identified in the professional engineering and financial analyses.
- (5) The service and benefit rendered or resulting from the provision of stormwater management programs, systems, and facilities may differ over time depending on many factors and considerations, including but not limited to location, demands and impacts imposed on the stormwater programs, systems, and facilities, and risk exposure. It is not practical to allocate the cost of the city's stormwater management programs, systems, and facilities in direct and precise relationship to the services or benefits rendered to or received by individual properties or persons over a brief span of time, but it is both practical and equitable to allocate the cost of stormwater management among properties and persons in proportion to the long-term demands they impose on the City's stormwater programs, systems, and facilities which render or result in services and benefits.
- (6) The City of Columbia presently owns and operates stormwater management systems and facilities which have been developed, installed, and acquired through various mechanisms over many years. The future usefulness and value of the existing stormwater systems and facilities owned and operated by the city, and of future additions and improvements thereto, rests on the ability of the city to effectively manage,

protect, control, regulate, use, and enhance the stormwater systems and facilities in the City of Columbia in concert with the management of other water resources in the city. In order to do so, the city must have adequate and stable funding for its stormwater management program operating and capital investment needs.

(7) The city council finds, concludes, and determines that a utility provides the most practical and appropriate means of properly delivering stormwater management services and benefits throughout the City of Columbia, and the most equitable means to fund stormwater services in the city is through stormwater service charges and other mechanisms as described in the professional engineering and financial analyses prepared for the city.

(8) The city council finds, concludes, and determines that a schedule of stormwater utility service charges based on the impervious area of each property is the most appropriate and equitable means of allocating the cost of stormwater management services and stormwater management systems and facilities throughout the city. Such charges can be complemented by other funding methods which address specific needs, including but not limited to allocations of other revenues available to the city, special service fees, special assessments of the city, various taxes as allowed by law, and other revenues as deemed appropriate by the city council.

(9) The city council finds that credits against stormwater utility service charges are an appropriate means of adjusting fees, rates, rentals, charges, fines, and penalties in certain cases, and should be granted for properties providing on-site or off-site services, systems, facilities, activities, easements, or assets which reduce or otherwise mitigate the impact of said property on the city's cost of providing stormwater management services and/or stormwater management systems and facilities, and that such credits should be conditional upon continuing provision of such services, systems, facilities, activities, easements, or assets in a manner complying with the standards and codes as determined by the city engineer. Credits for on-site stormwater management systems and facilities shall be generally proportional to the affect that such systems have on the peak rate of runoff from the site. Credits should also be granted for activities which reduce the city's cost of public information and education about stormwater management and may include credits against stormwater service charges to public and private school systems. Credits for educational programs and other activities related to stormwater management provided by public and private schools shall be based on the city's avoided costs as determined by the city engineer and not on the cost of the educational programs or other activities.

(10) The city council finds that the impervious area on each property is the most important factor influencing the cost of the stormwater management services and stormwater management systems and facilities provided by the city or to be provided by the city in the future, and that the impervious area of each property is therefore the most appropriate parameter for calculating a periodic stormwater service charge.

(11) The city council finds that it is imperative that all revenues raised or otherwise allocated specifically to stormwater management services, inclusive of stormwater quality issues and requirements along with stormwater public education and relations, and stormwater management systems and facilities be dedicated solely to those purposes and directs that such revenues shall therefore be deposited into the enterprise accounting fund of the stormwater management utility and shall remain in that fund and be dispersed only for stormwater management capital, operating, and non-operating costs, debt service of bonds for stormwater management purposes, and other appropriate uses as determined by the city council.

(Ord. No. 2002-029, 6-19-02)